

**Village of Cayuga Heights
Local Law No. 7 of the Year 2010**

A local law amending local law No. 3 of the Year 2009 and Section 21 of the Village of Cayuga Heights Zoning Ordinance Regarding Appointment of Alternate Members to the Planning Board and Zoning Board of Appeals.

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I. PURPOSE AND INTENT.

- A. This Local Law provides for the appointment of alternate members to the Village of Cayuga Heights Zoning Board of Appeals and amends the authority to substitute alternate members for regular members to the Village of Cayuga Heights Planning Board.
- B. The Village of Cayuga Heights, Tompkins County, New York, finds that members of its Planning Board and Zoning Board of Appeals are occasionally absent from the community for extended periods of time or otherwise unable to participate in the activities of their respective Boards. The Village of Cayuga Heights further finds that such temporary absences may limit the ability of the Planning Board and/or the Zoning Board of Appeals to obtain quorums and conduct business in their usual manner.
- C. In order to balance Board efficiency with the realities of a small community whose residents (including Board members) occasionally travel to distant places for extended periods or are otherwise unable to participate in Board activities, the Village of Cayuga Heights hereby finds it in the public interest to enact a local law establishing the positions of alternate members to the Village Zoning Board of Appeals and amend the authority of the alternate members to the Village Planning Board.
- D. The Village of Cayuga Heights adopts the terms and provisions of this Local Law as its solution to Board absences in the belief that it will preserve for the benefit of the community the expertise of experienced Board members while at the same time provide continuity in the affairs of the Village Planning Board and Zoning Board of Appeals.

SECTION II. AUTHORITY.

This Article is enacted pursuant to the grant of power to Villages to adopt zoning regulations and to establish and structure local positions and departments as set forth in § 10, Subdivision 1(ii)(a)(1), (12) and (14) of the Municipal Home Rule Law.

SECTION III. DEFINITIONS.

Unless otherwise expressly stated, or the context otherwise requires, whenever used in this Local Law, the following words shall have the following meanings:

Acting member - An alternate member who has been designated by the Chairperson of the Planning Board or Zoning Board of Appeals, as the case may be, as having the power and authority to substitute for and vote in place of a regular member who is absent or unable to serve.

Alternate member - An additional member of the Planning Board or Zoning Board of Appeals who is appointed by the Village Board for a term of one (1) year for the purpose of substituting for absent regular members.

Board - Either the Planning Board or the Zoning Board of Appeals, as the case may be, with reference to the designation of the alternate member for such Board to serve as an acting member of such Board.

Zoning Board of Appeals -The Village of Cayuga Heights Zoning Board of Appeals.

Planning Board -The Village of Cayuga Heights Planning Board.

Regular member - One of the five (5) members of either the Planning Board or Zoning Board of Appeals who has been appointed by the Village Board for a term of five (5) years or for the remaining unexpired portion of a five-year term.

Village Board -The Village of Cayuga Heights Board of Trustees.

SECTION IV. APPOINTMENT OF ALTERNATE MEMBERS AND ACTING MEMBERS.

As of the effective date of this Local Law: (1) Section B (Alternate Members) of Local Law No. 3 of the Year 2009 shall be deleted in its entirety and replaced with the following language; and (2) Section 21 of the Village of Cayuga Heights Zoning Ordinance shall be amended to include the following additional language:

APPOINTMENT OF ALTERNATE MEMBERS AND ACTING MEMBERS:

- A. Appointment by the Village Board of an Alternate member shall be for a term of one (1) year. At the expiration of such one-year term, the Village Board may reappoint the same Alternate member, appoint a new Alternate member or leave the position vacant if it so desires. The position of Alternate member shall survive vacancies, and the Village Board reserves the right to make an appointment on each anniversary of the first appointment, or at any other times as a vacancy may occur; provided, however, that if a vacancy shall occur otherwise than by expiration of term, any appointment to fill such vacancy shall be for the unexpired term only.

- B. No person who is a present member of the Village Board shall be eligible for appointment as Alternate member to the Planning Board or Zoning Board of Appeals.
- C. The Village Board shall have the power to remove any Alternate member for cause and after public hearing.
- D. An Alternate member, once appointed, may participate in all affairs of the Board to which such individual has been appointed during his or her one-year term. However, an Alternate member shall not vote on any matter unless and until a Regular member is absent or otherwise unable to serve, and the Board Chairperson has designated the Alternate member to serve as an Acting member.
- E. Provided that all other requirements of this Local Law are satisfied, the Board Chairperson's designation of an Alternate member to serve as an Acting member may be made for a particular meeting or meetings, or for a specified period of time, but in no event beyond the duration of the Alternate member's appointment as an Alternate member. The Board Chairperson's designation of an Alternate member to serve as an Acting member shall be made only when the Regular member in whose place the

Alternate member shall act is absent or otherwise unable to serve, for example as a result of a conflict of interest.

- F. Upon the return of an absent Regular member, or the resumption of a Regular member's ability to serve, the Acting member, unless otherwise directed by the Village Board, shall automatically resume his or her status as an Alternate member and shall no longer be allowed to vote on matters before the Board. However, the Alternate member shall remain eligible to substitute in the future for the same or other Regular members, subject to the same requirements of eligibility set forth in this Local Law, including redesignation as an Acting member by the Board Chairperson.

SECTION V. EFFECT ON STATUTORY PROVISIONS.

To the extent provided above and consistent with the foregoing terms and provisions, this Article is intended pursuant to § 22, Subdivision 1, of the Municipal Home Rule Law to amend and supercede any terms and provisions inconsistent herewith contained in Article 7 of the Village Law (Chapter 892,

Laws of 1972), as amended, including but not limited to § 7-712 and § 7-718 of said Village Law.

SECTION VI. VALIDITY.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION VII. EFFECTIVE DATE.

This Local Law shall be effective as of the date of filing with the New York Secretary of State.